## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NORTH CAROLINA EASTERN DIVISION

ANTHONY L. McNAIR,	)
Plaintiff,	)
	) AMENDED
V.	) JUDGMENT
	)
	) No. 4:12-CV-192-
	)
MILTON F. FITCH, JR., et al,	)
Defendants.	)

## **Decision by Court.**

This action came before the Honorable James C. Fox, Senior United States District Judge, for ruling as follows:

**IT IS ORDERED, ADJUDGED AND DECREED** that the Plaintiff's Motion for Reconsideration is ALLOWED, and the court's June 4, 2013, Order at [12] adopting the M&R in its entirety, and the corresponding Judgment at [13] are hereby VACATED. The court finds, upon its *de novo* review, that Plaintiff's claims still must be DISMISSED as frivolous pursuant to 28 U.S.C. § 1915.

## This Judgment Filed and Entered on June 18, 2013, and Copies To:

Anthony L. McNair (1228 Hill Street, Rocky Mount, NC 27801)

DATE

JULIE A. RICHARDS, CLERK

/s/ Susan K. Edwards

(By) Susan K. Edwards, Deputy Clerk